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FOLEY & LARDNER LLP
P.O. BOX 80278
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In re Application of	:	
GOODMAN, Murray	:	
Application No.: 10/522,130	:	DECISION ON
PCT No.: PCT/US03/22772	:	
Int. Filing Date: 18 July 2003	:	PETITION
Priority Date: 19 July 2002	:	
Attorney Docket No.: SDUC1100-1	:	UNDER 37 CFR 1.47(a)
For: DENDRIMERS AS MOLECULAR	:	
TRANSLOCATORS	:	

This is a decision on applicants' Petition Under 37 C.F.R. §§1.47(a) and 1.42, filed in the United States Patent and Trademark Office (USPTO) on 02 February 2007.

BACKGROUND

On 02 August 2006, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 02 February 2007, applicants submitted this renewed petition under 37 CFR 1.47(a) and a request for status under 37 CFR 1.42, which was accompanied by, *inter alia*, the fee for a four month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the non-signing applicant.

Items (1) and (3) were previously satisfied. The petition fee has been paid. Applicants list the last known addresses for the three non-signing inventors as:

Changhee Min, Kum-na-mu Apartment, 201-803 Doonsan-dong, Suh-ku Daejongs, Korea
Byung Hyune Choi 963-4 Bangbae-dong, Seocho-ku, Korea 137-846 and
Hyun-Ho Chung, 10590 Gaylemont Ln, San Diego, CA 92130.

Item (2) has not been satisfied. Applicants have not furnished evidence of receipt of the complete copy of the application papers, including the declaration, by the non-signing inventors. The petition does not indicate first hand knowledge of the presentation, nor does it detail the presentation of the papers to the inventors. From the statement of Kristine Cole, it appears that Ms. Cole only made contact with inventor Chung and did not attempt to present him with a complete copy of the application papers. The package sent to the corporate parent of the now-closed former employer of three non-signing

inventors is not sufficient to constitute presentation with a complete copy of the application papers in the absence of evidence of actual receipt by the inventors. Communication should be made with the inventors at their last known home address. Applicants should attempt to verify that the last known address of each non-signing inventor is a current address.

Item (4) has not been satisfied. The international application lists six inventors. Applicants have supplied a declaration listing two Changhee Mins. As there is only one and applicants acknowledge the listing of a second Changhee Min was in error, a new declaration is required to correct the error. Applicants argue that the declaration is acceptable as it lists the 6 inventors. However, it erroneously lists a seventh inventor. Applicants claim it is a duplicate, however, it is a seventh listed inventor. The declaration fails to comply with 37 CFR 1.497 (a) as it does not list the correct inventive entity as stated in the international application, including corrections under PCT Rule 92*bis*, and any corrections made under 37 CFR 1.182 and 1.497(d). A new declaration is required.

Applicants previously supplied a declaration signed by Murray Goodman listing only three inventors. Applicants have now provided a declaration by Zelda Goodman as legal representative on behalf of her deceased husband Murray Goodman. The declaration lists the inventors and their citizenships and the legal representative and her citizenship residence and mailing address. The declaration of Murray Goodman complies with 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459